



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**AUG 06 2013**

SA Future Endeavors, LLC  
Attn: Joseph Satin, Manager  
40 Oliver Terrace  
Shelton, Connecticut 06484

Re: PCB Cleanup and Disposal Approval under §§ 761.61(a) and (c)  
Former Satin American Corporation Site

Dear Mr. Satin:

This is in response to your Notification<sup>1</sup> to address PCB-contaminated concrete and PCB-contaminated soils on the property located at 40 Oliver Terrace in Shelton, Connecticut (the Site). Specifically, PCB contamination exceeding the allowable concentrations for unrestricted use is present in the concrete and soils at the Site. The Notification was submitted on behalf of SA Future Endeavors, LLC (SAFE) by Leggette, Brashears & Graham (LBG), Inc. in accordance with the requirements under 40 CFR §§ 761.61(a)(3) and (c).

In your Notification, you propose the following PCB cleanup and disposal activities:

- PCB-contaminated soils and concrete with greater than (>) 1 part per million (ppm) will be removed to meet the *high occupancy area* cleanup standard without further restrictions, except for PCB-contaminated soils located in the Northern Loading Dock and Former Equipment Staging Area (i.e., Area of Concern (AOC) -1) and beneath the Southern Warehouse (i.e., AOC-8). In these areas, PCB-contaminated soils with > 1 ppm but less than or equal to ( $\leq$ ) 10 ppm will remain and will be capped with a TSCA compliant cap as specified under § 761.61(a)(7) to meet the *high occupancy area* cleanup standard;

<sup>1</sup> Information was submitted on behalf of SAFE by LBG, Inc to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated November 2012 (Sitewide PCB Cleanup Workplan); January 23, 2013 (Interim Workplan for soil removal under § 761.61(b)); March 2013 (Revised Sitewide PCB Cleanup Workplan); April 5, 2013 (Response to EPA Comments); April 9, 2013 (Right-of-Way Remediation); May 22, 2013 (Interim Remedial Action Report); July 17, 2013 (email Plate 3 Figure, revised), July 23, 2013 (email site owner name and contact and limited removal soil volumes); July 25, 2013 (email Response to EPA comments); July 30, 2013 (Addendum to Revised PCB Cleanup Workplan); and, July 31, 2013 (emails on withdrawal of proposed vertical segregation and Revised Addendum to Site-Wide PCB Cleanup Work Plan). These submittals, together, will be referred to as the "Notification."

- PCB-contaminated soils with  $> 1$  ppm located in the upper staging area of AOC-1 will be removed to meet the *high occupancy area* cleanup standard without further restrictions;
- PCB-contaminated soils with greater than or equal to ( $\geq$ ) 50 ppm will be disposed of in accordance with § 761.61(a)(5)(i)(B)(2)(iii) at a TSCA-permitted disposal facility or RCRA-hazardous waste landfill; and, PCB-contaminated soils with less than ( $<$ ) 50 ppm will be disposed of at a state-permitted non-hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii);
- Confirmatory sampling following PCB-contaminated soil excavation will be conducted in accordance with 40 CFR Part 761 Subpart O to document that the cleanup standards have been achieved; and,
- A deed notation in the form of an environmental land use restriction (ELUR) will be executed to document Site restrictions (e.g., non-disturbance of PCB-contaminated and/or capped areas) and the fact that PCBs at  $> 1$  ppm but  $\leq 10$  ppm remain in soils at the Site.

With the exception of the soil characterization sampling for off-site disposal, your Notification meets the requirements under § 761.61(a). Based on the information provided and given the Site history, the characterization sampling conducted at the Site and the proposed removal plan, the PCB-impacted soils appear to be adequately defined for purposes of cleanup and disposal. EPA finds that the characterization sampling is adequate for purposes of segregation of the PCB-contaminated soils for off-site disposal and that these activities will create no unreasonable risk to public health or the environment. EPA may approve the alternative sampling under § 761.61(c).

EPA is approving the Notification and you may proceed with the proposed PCB cleanup and disposal under 40 CFR §§ 761.61(a) and (c), the Notification, and this Approval subject to the conditions of Attachment 1. Please be aware that this Approval does not release SAFE from any applicable requirements of federal, state or local law, including those requirements related to the cleanup of other [non-PCB] contaminants. EPA encourages SAFE to continue to work with the Connecticut Department of Energy and Environmental Protection (CTDEEP) to ensure all approvals necessary for this project have been obtained.

Questions and correspondence concerning and/or required under this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval including, but not limited to documents evidencing construction of the caps and adoption of the deed restriction/activity and use limitations.

Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,

A handwritten signature in cursive script, appearing to read "James T. Owens, III", followed by a horizontal flourish.

James T. Owens, III  
Director, Office of Site Remediation & Restoration

cc: Darrick Jones, LBG Inc.  
Paul Jacobi, Jacobi and Case, PC  
Gary Trombly, CTDEEP  
File

Attachment 1: PCB Approval Conditions



**ATTACHMENT 1:**

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
SATIN AMERICAN PROPERTY  
40 OLIVER TERRACE  
SHELTON, CONNECTICUT**

**GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site and identified in the Notification.
  - a. In the event that SA Future Endeavors, LLC (SAFE) identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, SAFE will be required to notify EPA and to clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
  - b. SAFE may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 15.
2. SAFE shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. SAFE must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, SAFE shall contact EPA within 24 hours for direction on sampling and cleanup requirements.

<sup>1</sup> Information was submitted on behalf of SAFE by LBG, Inc to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated November 2012 (Sitewide PCB Cleanup Workplan); January 23, 2013 (Interim Workplan for soil removal under § 761.61(b)); March 2013 (Revised Sitewide PCB Cleanup Workplan); April 5, 2013 (Response to EPA Comments); April 9, 2013 (Right-of-Way Remediation); May 22, 2013 (Interim Remedial Action Report); July 17, 2013 (email Plate 3 Figure, revised), July 23, 2013 (email site owner name and contact and limited removal soil volumes); July 25, 2013 (email Response to EPA comments); July 30, 2013 (Addendum to Revised PCB Cleanup Workplan); and, July 31, 2013 (emails on withdrawal of proposed vertical segregation and Revised Addendum to Site-Wide PCB Cleanup Work Plan). These submittals, together, will be referred to as the "Notification."

6. SAFE is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time SAFE has or receives information indicating that SAFE or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by SAFE are authorized to conduct the activities set forth in the Notification. SAFE is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release SAFE from compliance with any applicable requirements of federal, state or local law; or 3) release SAFE from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirements in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if EPA does not receive written notification from SAFE of acceptance of the conditions of this Approval within 10 business days of receipt.
11. Prior to initiating onsite work under this Approval, the following information shall be submitted to EPA for review and/or approval:
  - a. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval;
  - b. a contractor work plan, prepared and submitted by the selected remediation contractor(s) describing how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
  - c. a certification signed by the selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval.



## **CLEANUP AND DISPOSAL CONDITIONS**

12. The cleanup level for *PCB remediation waste* at the Site shall be in accordance with 40 CFR § 761.61(a)(4) and shall meet the requirements for a *high occupancy area* as described in the Notification.
  - a. Bulk *PCB remediation waste* (i.e., soil) samples shall be collected on a bulk basis (i.e., mg/Kg) and reported on a dry-weight basis. Sampling shall comply with Subpart O and shall be collected from both excavation bottoms and sidewalls.
  - b. *Porous surfaces* (i.e., concrete) PCB sampling shall be performed in accordance with the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, to a maximum depth interval of 0.5 inches and in accordance with the Subpart O sampling frequency.
  - c. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with § 761.61(a)(5), unless otherwise specified as follows:
  - a. Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

## **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

14. SAFE shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by SAFE to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

18. SAFE shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by SAFE in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
19. SAFE shall submit a final report, both in hard and electronic copy, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo log; characterization and confirmation sampling analytical results; copies of the accompanying chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests and bills of lading, or equivalent; and copies of certificates of disposal or similar certifications issued by the disposer.
20. Within 60 days of completion of the cleanup activities described in the Notification and authorized by this Approval, and as required under § 761.61(a)(8)(i)(B), SAFE shall submit to EPA a certification, that it has recorded the notation on the deed as required under § 761.61(a)(8)(i)(A). A copy of the notation on the deed must also be submitted.

21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02114-2023  
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527

22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

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**END OF ATTACHMENT 1**